UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,813	02/29/2000	Thomas Hanebrink	473-009270-US(PAR)	1352

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EXAMINER
HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	**Applicant(s)**
Office Action Summary	09/515,813	HANEBRINK, THOMAS
	Examiner	**Art Unit**
	Olga Hernandez	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 March 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Response to Amendment

Regarding the new limitation added to the claims, where the data is stored as a list. It

would have been obvious to one of ordinary skill in the art to store the data/information in any

well known manner known in the art in order to be easier for the programmer to work with the

data and make a faster execution of it.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumizawa

(6,185,503) in view of Sumner (5,173,691).

Sumizawa teaches a navigation system reports on a traffic control point and a traffic jam

location by voice on a route, various types of traffic information are received by an FM

multiplex receiver. If the received traffic information set, the distance from the current position

to the tail end of the traffic jam location is calculated and is reported by voice through a speaker.

A means for route setting that sets a route to a destination, a position detection device that detects

a current position, a reception device that receive traffic information from outside and a reporting

device which, when the traffic information received by the reception device indicates that there

are a plurality of locations which may constitute a hindrance for traveling on the route that has

been set, calculates the distances from the current position detected by the detection device to the

locations that may constitute a hindrance and then issues a voice report on the nearest one. The

length of the traffic jam may be reported in addition to the distance to the traffic jam location.

When there is a plurality of traffic jam locations or traffic control points, a voice report may be

issued on all of them. Only traffic jam locations or traffic control points that are within a

specific distance from the current position may be reported. Also, according to Sumizawa,

traffic messages or locations are outputted based on their distances to the current position of the

vehicle. *Figure 5 of Sumizawa shown the distances between the different traffic locations and*

the vehicle location. Based on the determined distances, traffic messages related to traffic

locations are stored or classified. See "Traffic jam classification" column of figure. Figures 7-9

show similar features (limitations). According to Sumizawa, traffic locations (messages) are

stored or classified based on their distances to the vehicle position. Also, it is clear that a traffic

message is supplied based on its distance to the vehicle. Also, the closest traffic message to the

vehicle is supplied or outputted. However, it could argue that only one distance or traffic

message is supplied at one time to the driver. Sumner, on the other hand, teaches a data fusion

process for an in-vehicle traffic congestion information system, wherein traffic information for a

plurality of sources are gathered and collected. According to Sumner, a traffic communication

system supplies traffic information or messages to a driver of a vehicle. According further, to

Sumner, traffic information (messages) is gathered along with the locations (geographical

coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information

is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion

(traffic), wherein "the nearest congestion messages are reported first". Still as described in

column 13, lines 51-53, "messages may be presented in order of cell distance from the vehicle

such that closer messages are received first." Thus, it would have been obvious to one of

ordinary skill in the art to modify the navigation system of Sumizawa by incorporating the

features from the traffic information system of Sumner because such modification, as suggested

by Sumner, will provided a system will provide traffic information relevant to a vehicle travel

path, thereby effectively assisting the driver in avoiding congestion (traffic).

3.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al

(5,933,094) in view of Sumner (5,173,691).

Goss teaches a device for editing and outputting information for a motor vehicle, wherein

there is provided a receiver for digitally coding traffic messages. According to Goss, the traffic

messages are stored along with the locations of the traffic. The location of the vehicle is

compared to the location of the traffic messages. There is provided a GPS for determining the

positions of the vehicle. The direction of the vehicle is also determined. See column 1. the

device according to Goss is such that it does not provide unnecessary traffic messages that are

not relevant to the driver. Accomplishing this, the device of Goss outputs traffic messages based

on distance of the present location of the vehicle and the traffic location. See column 2. also, the

traffic messages are updated in accordance with predefined time periods. As further, described

in columns 7 and 8, the traffic messages and locations are outputted according to some kind of

priority or weight (resistance value) associated with the distances between the present location of

the vehicle and the locations of the traffic. Goss does not particularly teach that the priority is

distance and wherein the traffic message with the smallest distance is outputted first. *Sumner, on*

the other hand, teaches a data fusion process for an in-vehicle traffic congestion information

system, wherein traffic information for a plurality of sources are gathered and collected.
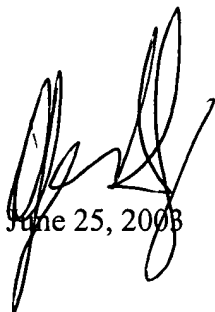
According to Sumner, a traffic communication system supplies traffic information or messages to

a driver of a vehicle. According further, to Sumner, traffic information (messages) is gathered

along with the locations (geographical coordinates) of the traffic. In addition, as set forth in

column 6, congestion or traffic information is reported to the vehicle driver based on the

proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion

messages are reported first". Still as described in column 13, lines 51-53, "messages may be

presented in order of cell distance from the vehicle such that closer messages are received first."

Thus, it would have been obvious to one of ordinary skill in the art to modify the navigation

system of Sumizawa by incorporating the features from the traffic information system of Sumner

because such modification, as suggested by Sumner, will provided a system will provide traffic

information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding

congestion (traffic).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918.

The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-7687 for

regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

June 25, 2003

Olga Hernandez
Examiner
Art Unit 3661

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600